

# CLIFTON BUDD & DEMARIA, LLP

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December 3, 2024

**VIA ECF**

Honorable Steven I. Locke, United States Magistrate Judge  
United States District Court, Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: *Melanthiou v. Long Island University et al., 24-cv-07024 (SIL)*

Dear Judge Locke:

This firm represents defendants Long Island University<sup>1</sup> (“LIU”), Dr. Kimberly Cline, Dr. Arash Dabestani and Jean-Ann Smith (collectively, “Defendants”)<sup>2</sup> in this action. Your Honor has been assigned as the presiding judge in this case as part of the Court’s Pilot Program, governed by EDNY Administrative Order 2023-23 (“Admin. Order 2023-23”). Pursuant to Section 4 of Admin. Order 2023-23:

If a party intends to file a motion...to dismiss for failure to state a claim or any relief under Rule 12(b)...and all parties have not yet consented to the jurisdiction of the Magistrate Judge, the party seeking such relief must file, no later than any date specified by any Federal or Local Rule governing the timing of such a motion, a letter no longer than one (1) page expressing such intent. The Clerk will then randomly assign a District Judge to serve as the presiding judge in the case. The party will, no later than seven (7) days after such assignment, file either a pre-motion letter or a motion...

Defendants intend to file a motion to dismiss seeking to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(6). As all parties have not filed a consent to the jurisdiction of Your Honor, pursuant to Section 4 of Admin. Order 2023-23, Defendants respectfully request that this case be assigned to a District Judge so that Defendants may file their motion. Thank you for Your Honor’s attention to this matter.

Respectfully submitted,  
CLIFTON BUDD & DEMARIA, LLP  
*Attorneys for Defendants*

*Douglas P. Catalano*

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By: Douglas Catalano  
Stefanie Toren

<sup>1</sup> LIU is incorrectly named as “Board of Trustees, Long Island University doing business as the Arnold and Marie Schwartz College of Pharmacy.”

<sup>2</sup> It is unknown whether the other individual Defendants have been served.

**CLIFTON BUDD & DEMARIA, LLP**

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December 3, 2024

Page 2

cc: Kyle Adams, Esq.

Frank R. Schirripa, Esq.